

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JOHN STEVEN OLAUSEN,

Petitioner,

vs.

JAMES BENEDETTI, *et al*,

Respondents.

3: 10-cv-0388-LRH-RAM

**ORDER**

Petitioner, a state prisoner, is proceeding *pro se* in this is a habeas corpus petition pursuant to 28 U.S.C. § 2254. The Court entered judgment in this case on August 12, 2010. (Docket #6.) In order to proceed with his appeal, petitioner must receive a certificate of appealability. 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22; 9<sup>th</sup> Cir. R. 22-1; *Allen v. Ornoski*, 435 F.3d 946, 950-951 (9<sup>th</sup> Cir. 2006); *see also United States v. Mikels*, 236 F.3d 550, 551-52 (9<sup>th</sup> Cir. 2001). Generally, a petitioner must make “a substantial showing of the denial of a constitutional right” to warrant a certificate of appealability. *Id.*; 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). “The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong.” *Id.* (*quoting Slack*, 529 U.S. at 484). In order to meet this threshold inquiry, the petitioner has the burden of demonstrating that the issues are debatable among jurists of reason; that a court could resolve the issues differently; or that the questions are adequate to deserve encouragement to proceed further. *Id.*

This Court has considered the issues raised by petitioner, with respect to whether they satisfy the standard for issuance of a certificate of appealability, and determines that none meet that

1 standard. The Court will therefore deny petitioner a certificate of appealability.

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3 DATED this 15th day of December, 2010.



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6 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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